

CITY OF MUSKEGON
ZONING BOARD OF APPEALS
REGULAR MEETING
MINUTES

February 14, 2017

Chairman R. Hilt called the meeting to order at 4:00 p.m. and roll was taken.

MEMBERS PRESENT: R. Hilt, B. Larson, E. Fordham, S. Warmington, W. German

MEMBERS ABSENT: T. Halterman

STAFF PRESENT: M. Franzak, H. Mitchell

OTHERS PRESENT: C. VerHulst, 4223 Lamourson; E. McIntyre, 1762 Beach; M. McIntyre, 1762 Beach; C. Meyer, 3561 Woodlawn; D. Medendorp, Realtor

ELECTIONS

A motion to elect R. Hilt as Chairman and E. Fordham as Vice Chairman was made by S. Warmington, supported by B. Larson and unanimously approved.

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of February 9, 2016 be approved was made by S. Warmington, supported by B. Larson and unanimously approved.

PUBLIC HEARING

Hearing; Case 2017-01: Request for a variance from Sections 404 and 2326 of the zoning ordinance to allow for construction of a new house that will not meet with minimum lot size and width, the rear setback, and the parking requirements, at 3560 Woodlawn Ct. M. Franzak presented the staff report. The house at 3560 Woodlawn Ct is for sale. The potential new owner has applied for several variances so that he may demolish the home and rebuild it in the same footprint. The parcel does not abut an active street; however, Nelson Street is platted as a right-of-way to the east of the property, so that is considered the front of the property. The variances necessary to rebuild the home in its current location are as follows: 1) Lot size. The lot is approximately 5,663 square feet which does not meet minimum lot size requirements of 6,000 square feet; 2) Lot width - there must be at least 50 feet of road frontage. There currently is not any road frontage and the lot is only 22 feet wide on the side nearest to Nelson Street; 3) Rear setback. It is currently only 6 feet, but the zoning ordinance requires 30 feet, and 4) Parking. Homes are required to have at least two parking spaces, but this parcel does not provide any parking spaces. The current homeowner is allowed to park on the adjacent parcel at 1767 Nelson Street. The applicant's answers to the variance questions were provided, as well as a site plan of the property.

M. Franzak stated he had received a letter from L. Poppen-Reynolds of 1746 Beach who was in favor of the request. R. Hilt asked if this property was fronting a street that wasn't physically

there and if there were any plans to put one in. M. Franzak stated that the topography wouldn't allow for it to be physically there.

C. VerHulst provided background information to the board members on his research and approvals as to what was needed including his contact with the DEQ due to the location and the dunes as well as what was required with the City and the Fire Department. He had given an overview of the information he had on the structure that was there currently and how it had older electrical and how the addition had not been constructed by a licensed builder. He stated how there is a written document that allows for parking and walking up to the home that is not located on the property of this home. He has been in contact with the State and the mandates there require that they be able to pull up to the home. He has been in contact with three attorneys who believe that they can accomplish this. B. Larson confirmed that C. VerHulst was the applicant and that D. Carroll was the property owner with the sale being contingent on the approval of the variances. C. VerHulst confirmed this. The members discussed the uniqueness of this situation and how difficult it would be to have the street actually constructed. C. VerHulst stated how he had been in contact with the DEQ and that they had met with them on the site. He went over the elevations, etc. from the discussion with the DEQ and what was supplied in the information to the members. M. Franzak had added that the applicant had worked closely with the Fire Marshal regarding access and any issues with them so fire suppression would be covered.

E. McIntyre stated that this property was located behind her property and she was in favor of someone constructing a new home at this location. M. McIntyre was also in favor of the request and he accesses his property the same way that access is currently gained for the applicant's address had been. C. Meyer is also in favor of the request. D. Medendorp, realtor, had stated that this property was one that he has had to work the hardest on to help with a sale due to the uniqueness. He had received a written agreement from the McIntyre family for parking and access to the home since there wasn't a way to physically place a road at this time to the home.

A motion to close the public hearing was made by B. Larson, supported by W. German and unanimously approved.

B. Larson was in favor of the request and deferred to M. Franzak regarding any issues with fire department access and whether there could be an issue with the parking in the future. M. Franzak stated that the applicant had been working closely with the Fire Marshall and that if there were to be an issue with the parking in the future; it could probably be worked out later. E. Fordham stated that he had worked with the DEQ and suggested that the applicant get everything in writing. He was also in favor of the request. W. German stated that he was in favor of the request and he had some concerns with access and with what the applicant and M. Franzak had stated; he felt everything had been worked out. S. Warmington stated that the applicant had done his homework and he seems to know what he needs to do to move forward.

A motion that the variance requests for: 1) A reduced minimum lot size of 5,663 sf.; 2) A reduced lot width of 22 ft.; 3) A rear setback of 6 ft.; 4) And no provided parking on site at 3560 Woodlawn Ct be approved, based on the following review standards: a) That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or class of uses in the same zoning district. b) That such dimensional variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity. c) That the authorizing of such dimensional variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of this

chapter or the public interest. d) That the alleged difficulty is caused by the Ordinance and has not been created by any person presently having an interest in the property, or by any previous owner. e) That the alleged difficulty is not founded solely upon the opportunity to make the property more profitable or to reduce expense to the owner. f) That the requested variance is the minimum action required to eliminate the difficulty; was made by S. Warmington, supported by B. Larson and unanimously approved.

OLD BUSINESS

None

OTHER

None.

There being no further business, the meeting was adjourned at 4:44 p.m.